

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application of:)	Mail Stop Appeal Brief - Patents
)	
Sharadha VIJAY)	Group Art Unit: 2155
)	
Application No.: 10/023,297)	Examiner: D. ENG
)	
Filed: December 17, 2001)	
)	
For: A METHOD FOR RECORDING)	
EVENTS IN AN IP NETWORK)	

U.S. Patent and Trademark Office
Customer Window, Mail Stop Appeal Brief - Patents
Randolph Building
401 Dulany Street
Alexandria, Virginia 22314

APPEAL BRIEF

This Appeal Brief is submitted in response to the final Office Action, dated July 18, 2006,
and in support of the Notice of Appeal, filed December 19, 2006.

I. **REAL PARTY IN INTEREST**

The real party in interest in this appeal is MCI, LLC, an affiliate of Verizon
Communications, Inc.

II. **RELATED APPEALS, INTERFERENCES, AND JUDICIAL PROCEEDINGS**

Appellant is unaware of any related appeals, interferences or judicial proceedings.

III. STATUS OF CLAIMS

Claims 1-44 and 85 are pending in this application. Claims 45-84 have been canceled without prejudice or disclaimer. No claims have been allowed.

Claims 1-44 and 85 were finally rejected in the Office Action, dated July 18, 2006, and are the subject of the present appeal. These claims are reproduced in the Claim Appendix of this Appeal Brief.

IV. STATUS OF AMENDMENTS

No Amendment was filed subsequent to the final Office Action, dated July 18, 2006.

A Request for Reconsideration was filed on September 18, 2006. A subsequent Advisory Action, dated October 20, 2006, indicates that the Request for Reconsideration overcame the rejection of claims 26-44 and 85 under 35 U.S.C. § 101.

V. SUMMARY OF CLAIMED SUBJECT MATTER

In the paragraphs that follow, each of the independent claims involved in this appeal and each dependent claim that is argued separately will be recited, followed in parenthesis by examples of where support can be found in the specification and drawings.

Claim 1 recites a method that includes creating an XML call event file including a server information section, at least one SIP message section, and at least one call event section (e.g., Fig. 3; 400, Fig. 4; pg. 6, lines 10-11 and 22-24; pg. 8, lines 1-8); generating at least one call

event record in response to at least one event (e.g., 402, 404, Fig. 4; pg. 8, lines 4-6); and storing the at least one call event record in either the at least one SIP message section, or the at least one call event section (e.g., 406, Fig. 4; pg. 7, lines 6-30; pg. 8, lines 6-7).

Claim 26 recites a tangible computer readable medium storing a plurality of modules for directing a Session Initiation Protocol (SIP) server computer to function in a specified manner. The plurality of modules includes a SIP application layer software module (e.g., 104, Fig. 2), the SIP application layer software module being executable by the SIP server computer to provide SIP functionality (e.g., pg. 5, line 26); a call event record module coupled to the SIP application layer software module (e.g., 106, Fig. 2), the call event record module being configured to create at least one call event record in response to at least one event (e.g., pg. 5, lines 26-27); and an XML processor module coupled to the call event record module (e.g., 108, Fig. 2), the XML processor module being configured to create an XML call event file (e.g., pg. 6, lines 9-21), the XML call event file including the at least one call event record (e.g., pg. 8, lines 7-8).

Claim 85 recites a tangible computer readable medium having computer executable instructions for performing a method, the method including generating at least one call event record in response to at least one event (e.g., 402, 404, Fig. 4; pg. 8, lines 4-6); and creating an XML call event file including the at least one call event record (e.g., 406, Fig. 4; pg. 8, lines 1-8).

VI. GROUND S OF REJECTION TO BE REVIEWED ON APPEAL

A. Claim 85 stands rejected under 35 U.S.C. § 102(a) as clearly anticipated by Ulrich (U.S. Patent No. 6,895,438).

B. Claims 1-44 and 85 stand rejected under 35 U.S.C. § 103(a) as unpatentable over

Jang et al. (U.S. Patent No. 6,980,526) in view of Ulrich (U.S. Patent No. 6,895,438).

VII. ARGUMENTS

A. **The rejection of claim 85 under 35 U.S.C. § 102(a) based on Ulrich (U.S. Patent No. 6,895,438) should be reversed.**

The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention always rests upon the Examiner. In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention. Any feature not directly taught must be inherently present. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987).

1. Claim 85.

Independent claim 85 is directed to a tangible computer readable medium having computer executable instructions for performing a method. The method comprises generating at least one call event record in response to at least one event; and creating an XML call event file including the at least one call event record. Ulrich does not disclose or suggest this combination of features.

For example, Ulrich does not disclose or suggest creating an XML call event file including at least one call event record that is generated in response to at least one event. Ulrich merely recites that a proxy server is able to directly process communication records' XML metadata tags that identify the message and attachment types, key words, word count, duration, format, manner of encoding, or other attributes of interest without having to cull this information from different sources and media (col. 15, lines 58-63). Ulrich does not disclose or suggest creating an XML call event file that includes at least one call event record that is generated in

response to at least one event, as recited in claim 85.

In fact, Appellant notes that Ulrich only mentions "XML" in col. 15, lines 48-67. Nowhere in this section does Ulrich disclose or even remotely suggest creating an XML call event file that includes at least one call event record that is generated in response to at least one event, as recited in claim 85.

The Examiner appears to rely on col. 3, line 18; col. 8, line 13; and col. 15, lines 39-67, of Ulrich for allegedly disclosing this feature (final Office Action, pp. 2-3, and Office Action, dated January 10, 2006 (referred to hereinafter as "Office Action," pg. 5)). Appellant respectfully disagrees with the Examiner's interpretation of Ulrich.

At col. 3, line 14-18, Ulrich discloses:

Traditionally, companies have had outgoing phone logs and may have monitored them to ensure that employees were only making authorized long-distance calls. Today, with digital phone identification, it is now possible to have records of incoming calls, too.

This section of Ulrich discloses that companies may track incoming calls to employees. This section of Ulrich in no way relates to creating an XML call event file including at least one call event record that is generated in response to at least one event, as recited in claim 85. In fact, this section of Ulrich does not even mention an XML call event file or even XML.

At col. 8, lines 12-19, Ulrich discloses:

Communication record 35 shows another example of a communication record--in this instance, a phone call of personal nature lasting 1.6 minutes. No normalizing calculation is required as the message type is already in a time-based format while the time needed to receive and dispose of the communication consists of a relatively insignificant few seconds needed to pick up and set down a phone receiver.

This section of Ulrich discloses an example of a communication record 35. This section of

Ulrich in no way relates to creating an XML call event file including at least one call event record that is generated in response to at least one event, as recited in claim 85. In fact, this section of Ulrich does not even mention an XML call event file or even XML.

At col. 15, lines 39-67, Ulrich discloses:

Within a few years as converged Internet-protocol networks replace legacy systems, all forms of telecommunication--whether voice, data, text, images, video, and mixed media--will be measurable in terms of bytes (the stocks of information) and bandwidth (the flows of same). Ultimately, with the advent of personal-area networks (which are the wired-human-body equivalent of a corporate local-area network), time spent in face-to-face communication may also be automatically quantifiable. Similarly, organizations are increasingly using and accepting metadata like eXtensible Markup Language (XML) to facilitate business transactions and communications. Standards are still emerging under various forums like the Internet Engineering Task Force for such metadata as XML for messaging, XML for wireless applications, and XML for synchronizing data on disparate platforms. Once adopted, XML for messaging will facilitate tracking of various forms of telecommunication without the need for keyword scanning or topic gisting, which can require a lot of computing overhead. The proxy server of the present invention will be able to directly process communication records' XML metadata tags that identify the message and attachment types, key words, word count, duration, format, manner of encoding, or other attributes of interest without having to cull this information from different sources and media. Encrypted and encoded files would contain this XML metadata as an external wrapper, thus obviating the need for the proxy server to open and review each message as it passes through the system.

This section of Ulrich discloses that a proxy server is able to directly process communication records' XML metadata tags that identify the message and attachment types, key words, word count, duration, format, manner of encoding, or other attributes of interest without having to cull this information from different sources and media (col. 15, lines 58-63). This section of Ulrich in no way relates to creating an XML call event file including at least one call event record that is generated in response to at least one event, as recited in claim 85.

In response to the above arguments, the Examiner alleges in the Advisory Action, dated

October 20, 2006, that:

[a]s to creating an XML call event file, Ulrich teaches in lines 58-66 of column 15 that records are in XML format. Although Ulrich does not have in his patent the exact claim language: "creating an XML call event file including the at least one call event record," one of ordinary skill in the art having the Ulrich patent in front of him would readily recognize that records including records of incoming call events in line 18 of column 3 can be an XML record. Because both Applicants and Ulrich can be their own lexicographer, the exact claim language may not be in Ulrich. However, the teaching of claim 85 is in Ulrich.

Appellant respectfully disagrees with the Examiner's allegations.

At the outset, Appellant notes that 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention. Any feature not directly taught must be inherently present. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987). It appears from the Examiner's allegations in the Advisory Action that the Examiner is attempting to explain why it would have been obvious to include the above feature of claim 85 into the Ulrich system (e.g., the Examiner alleges that "one of ordinary skill in the art ... would readily recognize that records ... can be XML" (emphasis added)). 35 U.S.C. § 102 requires that a single reference (Ulrich in this case) teach every aspect of the claimed invention. Appellant submits that the Examiner's allegation that Ulrich's records "can" be XML records is an admission that Ulrich does not disclose creating an XML call event file including at least one call event record that is generated in response to at least one event, as recited in claim 85, and, thus, cannot anticipate claim 85.

Moreover, Appellant notes that Ulrich does not disclose, contrary to the Examiner's allegations, XML records. Instead, Ulrich specifically discloses that a proxy server is able to directly process communication records' XML metadata tags (see col. 15, lines 58-63). Ulrich does not disclose or suggest that metadata tags are call event files.

The Examiner has not pointed to any section of Ulrich that discloses or suggests creating an XML call event file including at least one call event record that is generated in response to at least one event, as recited in claim 85. Thus, a proper case of anticipation has not been established with respect to claim 85.

For at least the foregoing reasons, Appellant submits that the rejection of claim 85 under 35 U.S.C. § 102(a) based on Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 85 be reversed.

B. The rejection of claims 1-44 and 85 under 35 U.S.C. § 103(a) based on Jang et al. (U.S. Patent No. 6,243,373) and Ulrich (U.S. Patent No. 6,895,438) should be reversed.

The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention always rests upon the Examiner. In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In rejecting a claim under 35 U.S.C. § 103, the Examiner must provide a factual basis to support the conclusion of obviousness. In re Warner, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967). Based upon the objective evidence of record, the Examiner is required to make the factual inquiries mandated by Graham v. John Deere Co., 86 S. Ct. 684, 383 U.S. 1, 148 USPQ 459 (1966). The Examiner is also required to explain how and why one having ordinary skill in the art would have been realistically motivated to modify an applied reference and/or combine applied references to arrive at the claimed invention. Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988).

In establishing the requisite motivation, it has been consistently held that the requisite motivation to support the conclusion of obviousness is not an abstract concept, but must stem

from the prior art as a whole to impel one having ordinary skill in the art to modify a reference or to combine references with a reasonable expectation of successfully achieving some particular realistic objective. See, for example, Interconnect Planning Corp. v. Feil, 227 USPQ 543 (Fed. Cir. 1985). Consistent legal precedent admonishes against the indiscriminate combination of prior art references. Carella v. Starlight Archery, 804 F.2d 135, 231 USPQ 644 (Fed. Cir. 1986); Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 227 USPQ 657 (Fed. Cir. 1985).

1. Claim 1.

Independent claim 1 is directed to a method that includes creating an XML call event file including a server information section, at least one SIP message section, and at least one call event section; generating at least one call event record in response to at least one event; and storing the at least one call event record in either the at least one SIP message section, or the at least one call event section. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this combination of features.

For example, Jang et al. and Ulrich do not disclose or suggest creating an XML call event file including a server information section, at least one SIP message section, and at least one call event section. The Examiner appears to admit that Jang et al. does not disclose this feature and relies on Ulrich for allegedly disclosing the above feature of claim 1 (final Office Action, pg. 3; Office Action, pg. 4). Appellant respectfully disagrees with the Examiner's interpretation of Ulrich.

At the outset, Appellant notes that Ulrich does not mention the session initiation protocol (SIP). Therefore, Ulrich cannot disclose or suggest creating an XML call event file that includes

a server information section, at least one SIP message section, and at least one call event section, as recited in claim 1.

Nevertheless, Ulrich discloses a proxy server that is able to directly process communication records' XML metadata tags that identify the message and attachment types, key words, word count, duration, format, manner of encoding, or other attributes of interest without having to cull this information from different sources and media (col. 15, lines 58-63). However, Ulrich in no way discloses or suggests creating an XML call event file including a server information section, at least one SIP message section, and at least one call event section, as recited in claim 1.

The disclosure of Jang et al. does not remedy this deficiency in the disclosure of Ulrich. That is, Jang et al. does not disclose or suggest creating an XML call event file including a server information section, at least one SIP message section, and at least one call event section, as recited in claim 1. In fact, Appellant notes that Jang et al. does not even mention XML.

With respect to the above arguments, the Examiner alleges in the Advisory Action (pg. 2) that:

[i]n line 30 of column 30, Jung teaches that the calls are SIP calls. Since there are SIP calls in Jung and the calls are recorded or stored in a file, the section of the file which stores the SIP calls can be said is a SIP section. Jung did not teach that the file which record the calls is in XML. Although Ulrich did not teach recording SIP calls, Ulrich does teach recording calls in XML file.

Appellant disagrees with the Examiner's allegations.

At the outset, Appellant notes that the Examiner's allegations do not address the specifically recited features of claim 1. Claim 1 does not recite storing or recording SIP calls. Instead, claim 1 specifically recites, *inter alia*, creating an XML call event file including a server

information section, at least one SIP message section, and at least one call event section. The Examiner's allegations in no way address this feature of claim 1.

The Examiner appears to now rely on Ulrich for allegedly disclosing creating an XML call event file and on Jang et al. for allegedly disclosing at least one SIP message section. Moreover, the Examiner appears to continue to ignore that claim 1 specifically recites creating an XML call event file including a server information section and at least one call event section. The Examiner does address these other sections of the recited XML call event file. Accordingly, a *prima facie* case of obviousness has not been established with respect to claim 1.

As set forth above, Ulrich in no way discloses or suggests creating an XML call event file. Instead, Ulrich specifically discloses that a proxy server is able to directly process communication records' XML metadata tags (see col. 15, lines 58-63). Ulrich does not disclose or suggest that metadata tags are call event files. Since Ulrich does not disclose or suggest creating an XML call event file, Ulrich cannot disclose or suggest creating an XML call event file including a server information section, at least one SIP message section, and at least one call event section, as recited in claim 1.

Moreover, Appellant notes that Jang et al. does not disclose or suggest that SIP calls are recorded or stored in a file, as the Examiner alleges. The Examiner relies on column 30, line 30, of Jang et al. to support this allegation (Advisory Action, pg. 2). Appellant notes that Jang et al. only includes 16 columns.

Even assuming, for the sake of argument, that the disclosure of Jang et al. could reasonably be construed as disclosing a file that includes at least one SIP message section and the disclosure of Ulrich could reasonable be construed as disclosing creating an XML call event file

(points that Appellant in no way concedes), Appellant submits that one skilled in the art would not have been motivated to incorporate this alleged teaching of Jang et al. into the Ulrich system, absent impermissible hindsight.

With respect to motivation, the Examiner alleges in the Advisory Action (page 2) that:

From the combined teaching of Jung and Ulrich, it would have been obvious to a person of ordinary skill in the art, rather than to store the SIP call record in ordinary file, to store the SIP call records in XML file to facilitate business transactions and communication as suggested by Ulrich (line 50 column 15). From the teaching of Jung and/or Ulrich, it is not seen how the invention as claimed is patentable distinct over the applied references. No inventive concept is seen.

Appellant submits that the Examiner's motivation is merely a conclusory statement regarding an alleged benefit of the combination. Such conclusory motivation statements have consistently been held by courts to be insufficient for establishing a *prima facie* case of obviousness. In this respect, Appellant relies upon In re Deuel, 51 F.3d 1552, 34 USPQ2d 1210 (Fed. Cir. 1995), where it was held that generalizations do not establish the realistic motivation to modify a specific reference in a specific manner to arrive at a specifically claimed invention. Appellant submits that the Examiner's purported motivation to combine the cited references is merely conclusory and based on impermissible hindsight.

Moreover, column 15, line 50, of Ulrich in no way discloses or suggests that incorporating at least one SIP message section into an XML call event file that Ulrich allegedly discloses would facilitate business transactions and communications. Instead, this section of Ulrich discloses that organizations are increasingly using and accepting metadata, like XML, to facilitate business transactions and communications. As indicated above, Appellant submits that the Examiner's motivation for combining Jang et al. and Ulrich is based on impermissible

hindsight.

Jang et al. and Ulrich do not further disclose or suggest storing the at least one call event record in either the at least one SIP message section, or the at least one call event section, as also recited in claim 1. The Examiner relies on col. 11, lines 4-8, and col. 5, line 30, of Jang et al. for allegedly disclosing this feature (final Office Action, pg. 3; Office Action, pg. 4). Appellant respectfully disagrees with the Examiner's interpretation of Jang et al.

At col. 11, lines 4-8, Jang et al. discloses:

Once the call connection request is processed and videoconferencing is occurring, at 518, the method includes monitoring the established videoconferencing call. Switch 12 may monitor or record call information related to videoconferencing such as quality, duration of call, etc.

This section of Jang et al. discloses that a switch 12 may monitor or record call information relating to a videoconference. This section of Jang et al. in no way discloses or suggests storing at least one call event record in either the at least one SIP message section, or the at least one call event section of an XML call event file, as recited in claim 1. In fact, Jang et al. does not even mention XML files.

At col. 5, lines 30-32, Jang et al. discloses:

Enterprise video gateway 36 typically includes an emulation module 40 which emulates H.323/SIP call control and firewall functionality and an encryption module 44.

This section of Jang et al. discloses emulating H.323/SIP call control and firewall functionality. This section of Jang et al. in no way discloses or suggests storing at least one call event record in either the at least one SIP message section, or the at least one call event section of an XML call event file, as recited in claim 1. In fact, as set forth above, Jang et al. does not even mention XML files.

With respect to the above arguments, the Examiner alleges in the Advisory Action that "storing information is an inherent step of recording information" (Advisory Action, pg. 2). Appellant submits that, regardless of the veracity of the Examiner's allegation, the Examiner's allegation does not address the above feature of claim 1.

Claim 1 does not merely recite storing information. Instead, claim 1 specifically recites storing at least one call event record in either the at least one SIP message section, or the at least one call event section of an XML call event file. The Examiner's allegation does not address this feature or explain why one skilled in the art would reasonably construe Jang et al. or Ulrich as disclosing this feature.

Further in the final Office Action, the Examiner alleges:

[i]n response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually (last three lines of page 16 to the first paragraph of page 17 and the fourth last line of page 17 to line 10 of page 18) where the rejections are based on combinations of references and points to In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981) and In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986) to support this allegation (final Office Action, pg. 3). Appellant disagrees with the Examiner's allegation.

Appellant notes that Appellant's arguments in the present Appeal Brief (as well as the arguments presented in every one of Appellant's past responses) are directed to the specific references and to the specific sections of those references relied on by the Examiner as allegedly disclosing the features recited in Appellant's claim 1. The Examiner's allegation regarding these arguments lacks merit.

Further in the Advisory Action, the Examiner alleges:

[t]he court held that simply pointing out what a claim requires with no attempt to point out how the claims patentably distinguish over the prior art does not amount to a separate argument for patentability

and points to In re Nelson, 816 F.2d 1567, 2 USPQ 1525 (Fed. Cir. 1987) to support this allegation (Advisory Action, pg. 2). Appellant disagrees with the Examiner's allegation.

Appellant has repeatedly pointed out not only what is recited in claim 1, but also how claim 1 distinguishes over the art of record. The Examiner's allegation to the contrary lacks merit.

For at least the foregoing reasons, Appellant submits that the rejection of claim 1 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 1 be reversed.

2. Claim 2.

Claim 2 depends from claim 1. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 2 recites that the method is performed using a telecommunications network device. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 2.

Claim 2 does not merely recite labels, as the Examiner alleges. Instead, claim 2 specifically recites that the method of claim 1 is performed using a telecommunications network

device. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 2 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 2 be reversed.

3. Claim 3.

Claim 3 depends from claim 2. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 2. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 3 recites that the telecommunications network device is a SIP server computer. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 3.

Claim 3 does not merely recite labels, as the Examiner alleges. Instead, claim 3 specifically recites that the telecommunications network device is a SIP server computer. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 3 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests

that the rejection of claim 3 be reversed.

4. Claim 4.

Claim 4 depends from claim 3. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 3. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 4 recites that the SIP server computer is a SIP proxy server. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 4.

Claim 4 does not merely recite labels, as the Examiner alleges. Instead, claim 4 specifically recites that the SIP server computer is a SIP proxy server. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 4 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 4 be reversed.

5. Claim 5.

Claim 5 depends from claim 3. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 3. Moreover, this claim is patentable over Jang et al. and Ulrich for

reasons of its own.

Claim 5 recites that the SIP server computer is a SIP redirect server. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 5.

Claim 5 does not merely recite labels, as the Examiner alleges. Instead, claim 5 specifically recites that the SIP server computer is a SIP redirect server. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 5 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 5 be reversed.

6. Claim 6.

Claim 6 depends from claim 2. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 2. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 6 recites that the telecommunications network device is a network management system. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg.

3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 6.

Claim 6 does not merely recite labels, as the Examiner alleges. Instead, claim 6 specifically recites that the telecommunications network device is a network management system. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 6 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 6 be reversed.

7. Claim 7.

Claim 7 depends from claim 6. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 6. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 7 recites that the network management system includes a database. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 7.

Claim 7 does not merely recite labels, as the Examiner alleges. Instead, claim 7 specifically recites that the network management system includes a database. The Examiner does

not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 7 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 7 be reversed.

8. Claim 8.

Claim 8 depends from claim 6. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 6. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 8 recites that the network management system includes a local area network (LAN). Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 8.

Claim 8 does not merely recite labels, as the Examiner alleges. Instead, claim 8 specifically recites that the network management system includes a LAN. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 8 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests

that the rejection of claim 8 be reversed.

9. Claim 9.

Claim 9 depends from claim 2. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 2. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 9 recites that the telecommunications network device is a SIP client device. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 9.

Claim 9 does not merely recite labels, as the Examiner alleges. Instead, claim 9 specifically recites that the telecommunications network device is a SIP client device. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 9 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 9 be reversed.

10. Claim 10.

Claim 10 depends from claim 1. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Moreover, this claim is patentable over Jang et al. and Ulrich for

reasons of its own.

Claim 10 recites that the at least one event includes a SIP invite request. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 10.

Claim 10 does not merely recite labels, as the Examiner alleges. Instead, claim 10 specifically recites that the at least one event includes a SIP invite request. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 10 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 10 be reversed.

11. Claim 11.

Claim 11 depends from claim 1. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 11 recites that the at least one event includes a response to a SIP invite request. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office

Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 11.

Claim 11 does not merely recite labels, as the Examiner alleges. Instead, claim 11 specifically recites that the at least one event includes a response to a SIP invite request. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 11 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 11 be reversed.

12. Claim 12.

Claim 12 depends from claim 1. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 12 recites that the at least one event includes a SIP redirection message. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 12.

Claim 12 does not merely recite labels, as the Examiner alleges. Instead, claim 12 specifically recites that the at least one event includes a SIP redirection message. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 12 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 12 be reversed.

13. Claim 13.

Claim 13 depends from claim 1. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 13 recites that the at least one event includes a SIP proxying request. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 13.

Claim 13 does not merely recite labels, as the Examiner alleges. Instead, claim 13 specifically recites that the at least one event includes a SIP proxying request. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 13 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 13 be reversed.

14. Claim 14.

Claim 14 depends from claim 1. Therefore, this claim is patentable over Jang et al. and

Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 14 recites that the at least one event includes a SIP proxying response message. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 14.

Claim 14 does not merely recite labels, as the Examiner alleges. Instead, claim 14 specifically recites that the at least one event includes a SIP proxying response message. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 14 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 14 be reversed.

15. Claim 15.

Claim 15 depends from claim 1. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 15 recites that the at least one event includes a SIP error message. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this

feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 15.

Claim 15 does not merely recite labels, as the Examiner alleges. Instead, claim 15 specifically recites that the at least one event includes a SIP error message. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 15 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 15 be reversed.

16. Claim 16.

Claim 16 depends from claim 1. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 16 recites that the at least one event includes a network fault condition. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 16.

Claim 16 does not merely recite labels, as the Examiner alleges. Instead, claim 16 specifically recites that the at least one event includes a network fault condition. The Examiner

does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 16 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 16 be reversed.

17. Claim 17.

Claim 17 depends from claim 1. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 17 recites that the at least one event includes the transmission or reception of billing information. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 17.

Claim 17 does not merely recite labels, as the Examiner alleges. Instead, claim 17 specifically recites that the at least one event includes the transmission or reception of billing information. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 17 under

35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 17 be reversed.

18. Claim 18.

Claim 18 depends from claim 1. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 18 recites that the at least one event is an event related to network monitoring. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 18.

Claim 18 does not merely recite labels, as the Examiner alleges. Instead, claim 18 specifically recites that the at least one event is an event related to network monitoring. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 18 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 18 be reversed.

19. Claim 19.

Claim 19 depends from claim 1. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given

above with respect to claim 1. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 19 recites that the XML call event file includes a server information tag that identifies an originating server. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 19.

Claim 19 does not merely recite labels, as the Examiner alleges. Instead, claim 19 specifically recites that the XML call event file includes a server information tag that identifies an originating server. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 19 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 19 be reversed.

20. Claim 20.

Claim 20 depends from claim 1. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 20 recites that the XML call event file includes a SIP message section identifying

whether the event is a SIP request or a SIP response. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 20.

Claim 20 does not merely recite labels, as the Examiner alleges. Instead, claim 20 specifically recites that the XML call event file includes a SIP message section identifying whether the event is a SIP request or a SIP response. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 20 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 20 be reversed.

21. Claim 21.

Claim 21 depends from claim 20. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 20. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 21 recites that the SIP message section includes a service identifier field, where the service identifier field uniquely identifies a service associated with a SIP message. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events

and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5).

Appellant respectfully disagrees with the Examiner's interpretation of claim 21.

Claim 21 does not merely recite labels, as the Examiner alleges. Instead, claim 21 specifically recites that the SIP message section includes a service identifier field, where the service identifier field uniquely identifies a service associated with a SIP message. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 21 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 21 be reversed.

22. Claim 22.

Claim 22 depends from claim 20. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 20. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 22 recites that the SIP message section includes a send/receive field that includes IP addresses associated with a caller and a callee. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 22.

Claim 22 does not merely recite labels, as the Examiner alleges. Instead, claim 22

specifically recites that the SIP message section includes a send/receive field that includes IP addresses associated with a caller and a callee. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 22 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 22 be reversed.

23. Claim 23.

Claim 23 depends from claim 20. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 20. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 23 recites that the SIP message section includes another message content field that is used to accommodate any additional information. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 23.

Claim 23 does not merely recite labels, as the Examiner alleges. Instead, claim 23 specifically recites that the SIP message section includes another message content field that is used to accommodate any additional information. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness

has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 23 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 23 be reversed.

24. Claim 24.

Claim 24 depends from claim 1. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 24 recites that the XML call event file includes an event field identifying the event. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 24.

Claim 24 does not merely recite labels, as the Examiner alleges. Instead, claim 24 specifically recites that the XML call event file includes an event field identifying the event. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 24 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 24 be reversed.

25. Claim 25.

Claim 25 depends from claim 1. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 25 recites that the XML call event file includes a document type declaration section that provides information required by a receiving computer to properly decode the XML document. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 25.

Claim 25 does not merely recite labels, as the Examiner alleges. Instead, claim 25 specifically recites that the XML call event file includes a document type declaration section that provides information required by a receiving computer to properly decode the XML document. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 25 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 25 be reversed.

26. Claim 26.

Independent claim 26 is directed to a tangible computer readable medium storing a plurality of modules for directing a Session Initiation Protocol (SIP) server computer to function

in a specified manner. The plurality of modules comprises a SIP application layer software module, the SIP application layer software module being executable by the SIP server computer to provide SIP functionality; a call event record module coupled to the SIP application layer software module, the call event record module being configured to create at least one call event record in response to at least one event; and an XML processor module coupled to the call event record module, the XML processor module being configured to create an XML call event file, the XML call event file including the at least one call event record. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this combination of features.

For example, Jang et al. and Ulrich do not disclose or suggest an XML processor module coupled to the call event record module, where the XML processor module is configured to create an XML call event file, the XML call event file including the at least one call event record created by the call event record module. The Examiner does not address this feature in the final Office Action or the Office Action. Accordingly, a *prima facie* case of obviousness has not been established with respect to claim 26.

Nonetheless, with respect to claim 1, the Examiner appears to admit that Jang et al. does not disclose creating an XML call event file and relies on Ulrich for allegedly disclosing the above feature of claim 1 (final Office Action, pg. 3; Office Action, pg. 4). Appellant respectfully disagrees with the Examiner's interpretation of Ulrich.

Ulrich discloses a proxy server that is able to directly process communication records' XML metadata tags that identify the message and attachment types, key words, word count, duration, format, manner of encoding, or other attributes of interest without having to cull this

information from different sources and media (col. 15, lines 58-63). However, Ulrich in no way discloses or suggests an XML processor module that is coupled to a call event record module, where the XML processor module is configured to create an XML call event file, the XML call event file including the at least one call event record created by the call event record module, as recited in claim 26.

The disclosure of Jang et al. does not remedy this deficiency in the disclosure of Ulrich. That is, Jang et al. does not disclose or suggest an XML processor module that is coupled to a call event record module, where the XML processor module is configured to create an XML call event file, the XML call event file including the at least one call event record created by the call event record module, as recited in claim 26. In fact, Appellant notes that Jang et al. does not even mention XML.

Even assuming, for the sake of argument, that the disclosure of Ulrich could reasonably be construed as disclosing an XML processor module that is coupled to a call event record module, where the XML processor module is configured to create an XML call event file, the XML call event file including the at least one call event record created by the call event record module (points that Appellant in no way concedes), Appellant submits that one skilled in the art would not have been motivated to incorporate this alleged teaching of Ulrich into the Jang et al. system, absent impermissible hindsight.

With respect to motivation, the Examiner alleges in the Advisory Action (page 2) that:

From the combined teaching of Jung and Ulrich, it would have been obvious to a person of ordinary skill in the art, rather than to store the SIP call record in ordinary file, to store the SIP call records in XML file to facilitate business transactions and communication as suggested by Ulrich (line 50 column 15). From the teaching of Jung and/or Ulrich, it is not seen how the invention as

claimed is patentable distinct over the applied references. No inventive concept is seen.

Appellant submits that the Examiner's motivation does not explain why one skilled in the art at the time of Appellant's invention would have been motivated to incorporate Ulrich's alleged teaching of an XML processor module that is coupled to a call event record module, where the XML processor module is configured to create an XML call event file, the XML call event file including the at least one call event record created by the call event record module into the Jang et al. system. Instead, the Examiner's allegation is merely a conclusory statement regarding an alleged benefit of the combination. Such conclusory motivation statements have consistently been held by courts to be insufficient for establishing a *prima facie* case of obviousness. In this respect, Appellant relies upon In re Deuel, 51 F.3d 1552, 34 USPQ2d 1210 (Fed. Cir. 1995), where it was held that generalizations do not establish the realistic motivation to modify a specific reference in a specific manner to arrive at a specifically claimed invention. Appellant submits that the Examiner's purported motivation to combine the cited references is merely conclusory and based on impermissible hindsight.

Moreover, column 15, line 50, of Ulrich in no way discloses or suggests that incorporating an XML processor module that is coupled to a call event record module, where the XML processor module is configured to create an XML call event file, the XML call event file including the at least one call event record created by the call event record module into the Jang et al. system would facilitate business transactions and communications. Instead, this section of Ulrich discloses that organizations are increasingly using and accepting metadata, like XML, to facilitate business transactions and communications. As indicated above, Appellant submits that the Examiner's motivation for combining Jang et al. and Ulrich is based on impermissible

hindsight

For at least the foregoing reasons, Appellant submits that the rejection of claim 26 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 26 be reversed.

27. Claim 27.

Claim 27 depends from claim 26. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 26. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 27 recites that the SIP server computer is configured as a SIP proxy server. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 27.

Claim 27 does not merely recite labels, as the Examiner alleges. Instead, claim 27 specifically recites that the SIP server computer is configured as a SIP proxy server. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 27 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 27 be reversed.

28. Claim 28.

Claim 28 depends from claim 26. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 26. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 28 recites that the SIP server computer is configured as a SIP redirect server. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 28.

Claim 28 does not merely recite labels, as the Examiner alleges. Instead, claim 28 specifically recites that the SIP server computer is configured as a SIP redirect server. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 28 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 28 be reversed.

29. Claim 29.

Claim 29 depends from claim 26. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 26. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 29 recites that the at least one event includes a SIP invite request. Jang et al. and

Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 29.

Claim 29 does not merely recite labels, as the Examiner alleges. Instead, claim 29 specifically recites that the at least one event includes a SIP invite request. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 29 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 29 be reversed.

30. Claim 30.

Claim 30 depends from claim 26. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 26. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 30 recites that the at least one event includes a response to a SIP invite request. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 30.

Claim 30 does not merely recite labels, as the Examiner alleges. Instead, claim 30

specifically recites that the at least one event includes a response to a SIP invite request. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 30 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 30 be reversed.

31. Claim 31.

Claim 31 depends from claim 26. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 26. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 31 recites that the at least one event includes a SIP redirection message. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 31.

Claim 31 does not merely recite labels, as the Examiner alleges. Instead, claim 31 specifically recites that the at least one event includes a SIP redirection message. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 31 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests

that the rejection of claim 31 be reversed.

32. Claim 32.

Claim 32 depends from claim 26. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 26. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 32 recites that the at least one event includes a SIP proxying request. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 32.

Claim 32 does not merely recite labels, as the Examiner alleges. Instead, claim 32 specifically recites that the at least one event includes a SIP proxying request. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 32 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 32 be reversed.

33. Claim 33.

Claim 33 depends from claim 26. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 26. Moreover, this claim is patentable over Jang et al. and Ulrich for

reasons of its own.

Claim 33 recites that the at least one event includes a SIP proxying response message. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 33.

Claim 33 does not merely recite labels, as the Examiner alleges. Instead, claim 33 specifically recites that the at least one event includes a SIP proxying response message. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 33 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 33 be reversed.

34. Claim 34.

Claim 34 depends from claim 26. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 26. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 34 recites that the at least one event includes an error message. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5).

Appellant respectfully disagrees with the Examiner's interpretation of claim 34.

Claim 34 does not merely recite labels, as the Examiner alleges. Instead, claim 34 specifically recites that the at least one event includes an error message. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 34 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 34 be reversed.

35. Claim 35.

Claim 35 depends from claim 26. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 26. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 35 recites that the at least one event includes a network fault condition. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 35.

Claim 35 does not merely recite labels, as the Examiner alleges. Instead, claim 35 specifically recites that the at least one event includes a network fault condition. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 35 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 35 be reversed.

36. Claim 36.

Claim 36 depends from claim 26. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 26. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 36 recites that the at least one event includes the transmission or reception of billing information. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 36.

Claim 36 does not merely recite labels, as the Examiner alleges. Instead, claim 36 specifically recites that the at least one event includes the transmission or reception of billing information. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 36 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 36 be reversed.

37. Claim 37.

Claim 37 depends from claim 26. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 26. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 37 recites that the at least one event is an event related to network monitoring. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 37.

Claim 37 does not merely recite labels, as the Examiner alleges. Instead, claim 37 specifically recites that the at least one event is an event related to network monitoring. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 37 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 37 be reversed.

38. Claim 38.

Claim 38 depends from claim 26. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 26. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 38 recites that the XML call event file includes a server information tag that identifies an originating server. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 38.

Claim 38 does not merely recite labels, as the Examiner alleges. Instead, claim 38 specifically recites that the XML call event file includes a server information tag that identifies an originating server. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 38 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 38 be reversed.

39. Claim 39.

Claim 39 depends from claim 26. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 26. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 39 recites that the XML call event file includes a SIP message section identifying whether the event is a SIP request or a SIP response. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this

feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 39.

Claim 39 does not merely recite labels, as the Examiner alleges. Instead, claim 39 specifically recites that the XML call event file includes a SIP message section identifying whether the event is a SIP request or a SIP response. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 39 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 39 be reversed.

40. Claim 40.

Claim 40 depends from claim 39. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 39. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 40 recites that the SIP message section includes a service identifier field, the service identifier field uniquely identifying a service associated with a SIP message. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 40.

Claim 40 does not merely recite labels, as the Examiner alleges. Instead, claim 40 specifically recites that the SIP message section includes a service identifier field, the service identifier field uniquely identifying a service associated with a SIP message. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 40 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 40 be reversed.

41. Claim 41.

Claim 41 depends from claim 39. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 39. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 41 recites that the SIP message section includes a send/receive field that includes IP addresses associated with a caller and a callee. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 41.

Claim 41 does not merely recite labels, as the Examiner alleges. Instead, claim 41 specifically recites that the SIP message section includes a send/receive field that includes IP addresses associated with a caller and a callee. The Examiner does not address this feature in

either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 41 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 41 be reversed.

42. Claim 42.

Claim 42 depends from claim 39. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 39. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 42 recites that the SIP message section includes another message content field that is used to accommodate any additional information. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 42.

Claim 42 does not merely recite labels, as the Examiner alleges. Instead, claim 42 specifically recites that the SIP message section includes another message content field that is used to accommodate any additional information. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 42 under

35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 42 be reversed.

43. Claim 43.

Claim 43 depends from claim 26. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 26. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 43 recites that the XML call event file includes an event field identifying the event. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 43.

Claim 43 does not merely recite labels, as the Examiner alleges. Instead, claim 43 specifically recites that the XML call event file includes an event field identifying the event. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 43 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 43 be reversed.

44. Claim 44.

Claim 44 depends from claim 26. Therefore, this claim is patentable over Jang et al. and Ulrich, whether taken alone or in any reasonable combination, for at least the reasons given

above with respect to claim 26. Moreover, this claim is patentable over Jang et al. and Ulrich for reasons of its own.

Claim 44 recites that the XML call event file includes a document type declaration section that provides information required by a receiving computer to properly decode the XML document. Jang et al. and Ulrich, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. With respect to this feature, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter" (final Office Action, pg. 3; Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of claim 44.

Claim 44 does not merely recite labels, as the Examiner alleges. Instead, claim 44 specifically recites that the XML call event file includes a document type declaration section that provides information required by a receiving computer to properly decode the XML document. The Examiner does not address this feature in either the final Office Action or the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to this claim.

For at least the foregoing reasons, Appellant submits that the rejection of claim 44 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 44 be reversed.

45. Claim 85.

Independent claim 85 is directed to a tangible computer readable medium having computer executable instructions for performing a method. The method includes generating at least one call event record in response to at least one event; and creating an XML call event file including the at least one call event record. Jang et al. and Ulrich, whether taken alone or in any

reasonable combination, do not disclose or suggest this combination of features.

For example, Jang et al. and Ulrich do not disclose or suggest creating an XML call event file including the at least one call event record that is generated in response to at least one event. The Examiner appears to admit that Jang et al. does not disclose this feature and relies on Ulrich for allegedly disclosing the above feature of claim 85 (final Office Action, pg. 3; Office Action, pg. 4). Appellant respectfully disagrees with the Examiner's interpretation of Ulrich.

Ulrich discloses that a proxy server is able to directly process communication records' XML metadata tags that identify the message and attachment types, key words, word count, duration, format, manner of encoding, or other attributes of interest without having to cull this information from different sources and media (col. 15, lines 58-63). Ulrich does not disclose or suggest creating an XML call event file that includes at least one call event record that is generated in response to at least one event, as recited in claim 85.

In fact, Appellant notes that Ulrich only mentions "XML" in col. 15, lines 48-67. Nowhere in this section does Ulrich disclose or even remotely suggest creating an XML call event file that includes at least one call event record that is generated in response to at least one event, as recited in claim 85.

The Examiner appears to rely on col. 3, line 18; col. 8, line 13; and col. 15, lines 39-67, of Ulrich for allegedly disclosing this feature (final Office Action, pp. 2-3 and 5, and Office Action, pg. 5). Appellant respectfully disagrees with the Examiner's interpretation of Ulrich.

At col. 3, line 14-18, Ulrich discloses:

Traditionally, companies have had outgoing phone logs and may have monitored them to ensure that employees were only making authorized long-distance calls. Today, with digital phone identification, it is now possible to have records of incoming calls, too.

This section of Ulrich discloses that companies may track incoming calls to employees. This section of Ulrich in no way relates to creating an XML call event file including at least one call event record that is generated in response to at least one event, as recited in claim 85. In fact, this section of Ulrich does not even mention an XML call event file or even XML.

At col. 8, lines 12-19, Ulrich discloses:

Communication record 35 shows another example of a communication record--in this instance, a phone call of personal nature lasting 1.6 minutes. No normalizing calculation is required as the message type is already in a time-based format while the time needed to receive and dispose of the communication consists of a relatively insignificant few seconds needed to pick up and set down a phone receiver.

This section of Ulrich discloses an example of a communication record 35. This section of Ulrich in no way relates to creating an XML call event file including at least one call event record that is generated in response to at least one event, as recited in claim 85. In fact, this section of Ulrich does not even mention an XML call event file or even XML.

At col. 15, lines 39-67, Ulrich discloses:

Within a few years as converged Internet-protocol networks replace legacy systems, all forms of telecommunication--whether voice, data, text, images, video, and mixed media--will be measurable in terms of bytes (the stocks of information) and bandwidth (the flows of same). Ultimately, with the advent of personal-area networks (which are the wired-human-body equivalent of a corporate local-area network), time spent in face-to-face communication may also be automatically quantifiable. Similarly, organizations are increasingly using and accepting metadata like eXtensible Markup Language (XML) to facilitate business transactions and communications. Standards are still emerging under various forums like the Internet Engineering Task Force for such metadata as XML for messaging, XML for wireless applications, and XML for synchronizing data on disparate platforms. Once adopted, XML for messaging will facilitate tracking of various forms of telecommunication without the need for keyword scanning or topic gisting, which can require a lot of computing overhead. The proxy server of the present invention will be able to directly process communication records' XML metadata tags that identify the message and attachment types, key words,

word count, duration, format, manner of encoding, or other attributes of interest without having to cull this information from different sources and media. Encrypted and encoded files would contain this XML metadata as an external wrapper, thus obviating the need for the proxy server to open and review each message as it passes through the system.

This section of Ulrich discloses that a proxy server is able to directly process communication records' XML metadata tags that identify the message and attachment types, key words, word count, duration, format, manner of encoding, or other attributes of interest without having to cull this information from different sources and media (col. 15, lines 58-63). This section of Ulrich in no way relates to creating an XML call event file including at least one call event record that is generated in response to at least one event, as recited in claim 85.

In response to the above arguments, the Examiner alleges in the Advisory Action (pg. 2), dated October 20, 2006, that:

[a]s to creating an XML call event file, Ulrich teaches in lines 58-66 of column 15 that records are in XML format. Although Ulrich does not have in his patent the exact claim language: "creating an XML call event file including the at least one call event record," one of ordinary skill in the art having the Ulrich patent in front of him would readily recognize that records including records of incoming call events in line 18 of column 3 can be an XML record. Because both Applicants and Ulrich can be their own lexicographer, the exact claim language may not be in Ulrich. However, the teaching of claim 85 is in Ulrich.

Appellant respectfully disagrees with the Examiner's allegations.

Appellant notes that Ulrich does not disclose, contrary to the Examiner's allegations, XML records. Instead, Ulrich specifically discloses that a proxy server is able to directly process communication records' XML metadata tags (see col. 15, lines 58-63). Ulrich does not disclose or suggest that metadata tags are call event files.

The Examiner has not pointed to any section of Ulrich that discloses or suggests creating an XML call event file including at least one call event record that is generated in response to at

least one event, as recited in claim 85.

Even assuming, for the sake of argument, that the disclosure of Ulrich could reasonably be construed as disclosing creating an XML call event file including at least one call event record that is generated in response to at least one event (points that Appellant in no way concedes), Appellant submits that one skilled in the art would not have been motivated to incorporate this alleged teaching of Ulrich into the Jang et al. system, absent impermissible hindsight.

With respect to motivation, the Examiner alleges in the Advisory Action (page 2) that:

From the combined teaching of Jung and Ulrich, it would have been obvious to a person of ordinary skill in the art, rather than to store the SIP call record in ordinary file, to store the SIP call records in XML file to facilitate business transactions and communication as suggested by Ulrich (line 50 column 15). From the teaching of Jung and/or Ulrich, it is not seen how the invention as claimed is patentable distinct over the applied references. No inventive concept is seen.

Appellant submits that the Examiner's motivation does not explain why one skilled in the art at the time of Appellant's invention would have been motivated to incorporate Ulrich's alleged teaching of creating an XML call event file including at least one call event record that is generated in response to at least one event into the Jang et al. system. Instead, the Examiner's allegation is merely a conclusory statement regarding an alleged benefit of the combination. Such conclusory motivation statements have consistently been held by courts to be insufficient for establishing a *prima facie* case of obviousness. In this respect, Appellant relies upon In re Deuel, 51 F.3d 1552, 34 USPQ2d 1210 (Fed. Cir. 1995), where it was held that generalizations do not establish the realistic motivation to modify a specific reference in a specific manner to arrive at a specifically claimed invention. Appellant submits that the Examiner's purported motivation to combine the cited references is merely conclusory and based on impermissible

hindsight.

Moreover, column 15, line 50, of Ulrich in no way discloses or suggests that incorporating creating an XML call event file including at least one call event record that is generated in response to at least one event into the Jang et al. system would facilitate business transactions and communications. Instead, this section of Ulrich discloses that organizations are increasingly using and accepting metadata, like XML, to facilitate business transactions and communications. As indicated above, Appellant submits that the Examiner's motivation for combining Jang et al. and Ulrich is based on impermissible hindsight.

For at least the foregoing reasons, Appellant submits that the rejection of claim 85 under 35 U.S.C. § 103(a) based on Jang et al. and Ulrich is improper. Accordingly, Appellant requests that the rejection of claim 85 be reversed.

VIII. CONCLUSION

In view of the foregoing arguments, Appellant respectfully solicits the Honorable Board to reverse the Examiner's rejection of claims 1-44 and 85 under 35 U.S.C. §§ 102 and 103.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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By: /John E. Harrity/
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IX. CLAIM APPENDIX

1. A method comprising:
creating an XML call event file including a server information section, at least one SIP message section, and at least one call event section;
generating at least one call event record in response to at least one event; and
storing the at least one call event record in either the at least one SIP message section, or the at least one call event section.
2. The method of claim 1, wherein the method is performed using a telecommunications network device.
3. The method of claim 2, wherein the telecommunications network device is a SIP server computer.
4. The method of claim 3, wherein the SIP server computer is a SIP proxy server.
5. The method of claim 3, wherein the SIP server computer is a SIP redirect server.
6. The method of claim 2, wherein the telecommunications network device is a network management system.

7. The method of claim 6, wherein the network management system includes a database.
8. The method of claim 6, wherein the network management system includes a LAN.
9. The method of claim 2, wherein the telecommunications network device is a SIP client device.
10. The method of claim 1, wherein the at least one event includes a SIP invite request.
11. The method of claim 1, wherein the at least one event includes a response to a SIP invite request.
12. The method of claim 1, wherein the at least one event includes a SIP redirection message.
13. The method of claim 1, wherein the at least one event includes a SIP proxying request.
14. The method of claim 1, wherein the at least one event includes a SIP proxying response message.

15. The method of claim 1, wherein the at least one event includes a SIP error message.

16. The method of claim 1, wherein the at least one event includes a network fault condition.

17. The method of claim 1, wherein the at least one event includes the transmission or reception of billing information.

18. The method of claim 1, wherein the at least one event is an event related to network monitoring.

19. The method of claim 1, wherein the XML call event file includes a server information tag that identifies an originating server.

20. The method of claim 1, wherein the XML call event file includes a SIP message section identifying whether the event is a SIP request or a SIP response.

21. The method of claim 20, wherein the SIP message section includes a service identifier field, the service identifier field uniquely identifying a service associated with a SIP message.

22. The method of claim 20, wherein the SIP message section includes a send/receive field that includes IP addresses associated with a caller and a callee.

23. The method of claim 20, wherein the SIP message section includes another message content field that is used to accommodate any additional information.

24. The method of claim 1, wherein the XML call event file includes an event field identifying the event.

25. The method of claim 1, wherein the XML call event file includes a document type declaration section that provides information required by a receiving computer to properly decode the XML document.

26. A tangible computer readable medium storing a plurality of modules for directing a Session Initiation Protocol (SIP) server computer to function in a specified manner, the plurality of modules comprising:

a SIP application layer software module, the SIP application layer software module being executable by the SIP server computer to provide SIP functionality;

a call event record module coupled to the SIP application layer software module, the call event record module being configured to create at least one call event record in response to at least one event; and

an XML processor module coupled to the call event record module, the XML processor module being configured to create an XML call event file, the XML call event file including the at least one call event record.

27. The medium of claim 26, wherein the SIP server computer is configured as a SIP proxy server.

28. The medium of claim 26, wherein the SIP server computer is configured as a SIP redirect server.

29. The medium of claim 26, wherein the at least one event includes a SIP invite request.

30. The medium of claim 26, wherein the at least one event includes a response to a SIP invite request.

31. The medium of claim 26, wherein the at least one event includes a SIP redirection message.

32. The medium of claim 26, wherein the at least one event includes a SIP proxying request.

33. The medium of claim 26, wherein the at least one event includes a SIP proxying response message.

34. The medium of claim 26, wherein the at least one event includes an error message.

35. The medium of claim 26, wherein the at least one event includes a network fault condition.

36. The medium of claim 26, wherein the at least one event includes the transmission or reception of billing information.

37. The medium of claim 26, wherein the at least one event is an event related to network monitoring.

38. The medium of claim 26, wherein the XML call event file includes a server information tag that identifies an originating server.

39. The medium of claim 26, wherein the XML call event file includes a SIP message section identifying whether the event is a SIP request or a SIP response.

40. The medium of claim 39, wherein the SIP message section includes a service identifier field, the service identifier field uniquely identifying a service associated with a SIP message.

41. The medium of claim 39, wherein the SIP message section includes a send/receive field that includes IP addresses associated with a caller and a callee.

42. The medium of claim 39, wherein the SIP message section includes another message content field that is used to accommodate any additional information.

43. The medium of claim 26, wherein the XML call event file includes an event field identifying the event.

44. The medium of claim 26, wherein the XML call event file includes a document type declaration section that provides information required by a receiving computer to properly decode the XML document.

85. A tangible computer readable medium having computer executable instructions for performing a method, the method comprising:

generating at least one call event record in response to at least one event; and
creating an XML call event file including the at least one call event record.

X. EVIDENCE APPENDIX

None.

XI. RELATED PROCEEDINGS APPENDIX

None.